OPEN Doors

A publication of the Residential Tenancies Branch

Issue 8, April 2007

Informal Resolution More Effective for Clients

The Residential Tenancies Branch helps resolve thousands of client disputes informally every year, thanks in part to an improved client service plan.

"When the Branch's planning team first began to think about ways to improve its client services," says RTB director Roger Barsy, "one idea struck a universal chord – a one stop shop."

"By selecting the right people, giving them the necessary resources and locating them right up front, we can give clients faster, more effective service," he says. "Often, client services staff can resolve a dispute over the phone and both landlord and tenant are satisfied."

The system helps clients who come to the Branch with a problem, leave it with a solution. If both parties agree on a solution, a Client Services Officer (CSO) can prepare a mediated agreement outlining what is required from both of them. If no immediate agreement is reached, the clients have other options – they may decide to go to a hearing or the Branch may investigate further.

CSOs HAVE INFORMALLY RESOLVED ALMOST 10,000 DISPUTES

"Our CSOs take every reasonable step to help landlords and tenants resolve their differences quickly," says Barsy. "I congratulate and thank our CSO staff." Client Services Officers have informally resolved almost 10,000 disputes since the new system was launched in February 2005.

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Giving Evidence: Advice for Landlord and Tenants

When landlords and tenants disagree, the Residential Tenancies Branch staff tries to help resolve the dispute by mediating an agreement. If the parties can't agree, the Branch can hold a hearing to decide on a solution. At a hearing, the hearing officer will consider *The Residential Tenancies Act*, the tenancy agreement and evidence presented by both parties. The officer evaluates the evidence, based on relevance, reasonableness and credibility.

"Evidence is a critical part of making official decisions," says RTB director Roger Barsy. "While both parties tell their sides of the story, supporting evidence helps prove or disprove the positions put forward."

The Branch suggests that anyone giving evidence at a hearing:

- → be clear and straightforward
- → show evidence that directly supports their cases
- → avoid giving evidence that isn't relevant to the case
- → don't assume the hearing officer knows anything about the case that has not been presented at the hearing

At a hearing, each party provides evidence for consideration. This might include tenancy agreements, condition reports, photographs or videos, rent ledgers, letters, receipts or witnesses. After one party has given evidence, the other party can dispute it and present other information and evidence. When the hearing is over, the hearing officer will make a decision and issue an order.

INFORMATION FOR LANDLORDS

Changes to Some Familiar Forms

Some of the forms required under the Residential Tenancies Regulation have been changed:

Form 1
Standard Residential Tenancy Agreement

Form 1.1
Standard Residential Tenancy Agreement (Mobile Homes and Sites)

Form 2
Renewal of Tenancy Agreement

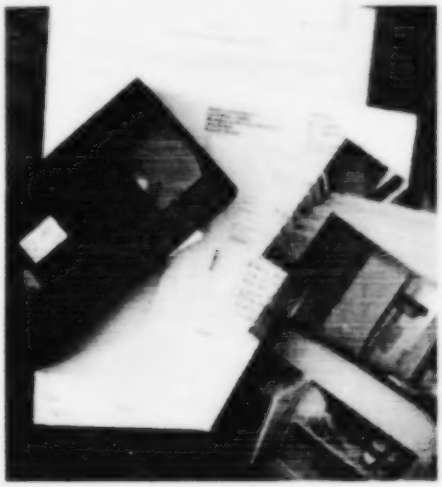
Form 7
Notice of Termination for Non-Payment of Rent

Landlords can call the Branch for these new forms or download them from the RTB website at www.manitoba.ca/rtb. Follow the links from *What's New*.

RTB FACTS

1. Last year, RTB staff made presentations to over 1,600 landlords, tenants and others, through the branch's speaker program.
2. Anyone can calculate the interest on a security deposit by going to the Branch's website.
3. All final orders issued under Parts 1 to 8 of *The Residential Tenancies Act* are available to the public, for a nominal fee, through the Residential Tenancies Branch Order Registry.
4. Since the government amended legislation on abandoned personal property in 2004, the caseload for these types of files has been reduced 90 per cent.
5. Tenants and landlords can ask RTB staff to help resolve a dispute through mediation. Of the thousands of agreements mediated by RTB staff, 73% require no further involvement by the Branch and are assumed to have been honoured by both parties.
6. The RTB holds over 3,000 hearings each year.

Giving Evidence: Advice for Landlord and Tenants



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What You Should Know about Rent-to-Own Agreements

To ensure they are protected, landlords and tenants should carefully read a rent-to-own agreement and get proper legal advice before signing it.

Rent-to-own agreements state the terms for a tenant to rent a unit and then buy it sometime in the future. Usually, the tenant pays the landlord rent plus an additional amount towards the purchase price each month. The purchase portion of the agreement is not part of the Residential Tenancies Branch's jurisdiction. The Branch suggests both parties:

- → Get appropriate legal advice before making or signing a rent-to-own agreement.
- → Make sure the agreement is in writing.
- → Include all important information:
  - State the amount of the monthly payment that applies to the purchase.
  - What happens if the tenant breaches the tenancy agreement and the landlord terminates the tenancy.
  - What happens if the tenant decides not to purchase the property.
- → Make the agreement clear and complete.
- → Include all conditions.

Most rent-to-own agreements are residential tenancies unless all of the money paid is applied to the purchase. Where a tenancy does exist, the RTB has authority only over the conditions that relate to the tenancy. For example, if the tenant doesn't make the required monthly payment and the landlord files a claim against the tenant, the Branch would only deal with the portion of the claim that is rent.

As long as the tenant is paying rent, all conditions of a tenancy agreement and *The Residential Tenancies Act* apply. For example, the landlord is still required to make all necessary and reasonable repairs, even if the tenant intends to buy the unit later.

Contact the Branch with any questions about the tenancy portion of an agreement.